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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,095	06/12/2000	William E. Casey	RSWC	5639

7590

01/23/2003

Robert Samuel Smith
1263 Emory Street
San Jose, CA 95126

EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,095

Applicant(s)

CASEY, WILLIAM E.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 11-13 and 15 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 14 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

Applicant has amended claims 9 and 14 and provided marked-up copies of the changes that don't correspond to claims 9 and 14 pending prior to the amendment received January 7, 2003. Claim 9 was amended in the paper received September 15, 2001, while claim 14 was never amended and comprised an original claim (original claim 15 renumbered claim 14 as part of the renumbering by the examiner as stated in the action mailed August 27, 2001 because of there being no claim 8 among those claims originally submitted and all references to claim numbers are to the renumbered claims). However comparison of the marked-up copies of claims 9 and 14 submitted in the amendment received January 7, 2003 with all the claims in the case indicate that applicant amends claim 9 relative to original claim 9, which had already been changed as indicated above in the paper received September 15, 2001 and that claim 14 does not correspond at all to claim 14 as identified above but is actually amended relative to originally filed claim 12. That said, the amendment received January 7, 2003 has been entered with the clean copy of the submitted claims controlling.

Allowable Subject Matter

Claims 1-7, 11-13, and 15 are allowed.

Drawings

New corrected drawings are required in this application because of the objections noted on attached Form PTO-948 that are incorporated herein. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S.

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Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack clear antecedent basis: "said cam" (claim 8, line 10) is unclear as to which cam is being referred to and should refer to either the --first-- or --second-- cam; "said second cam" (first used in claim 9 on line 3); "said second cam surface" (claim 9, line 4). It is suggested that claim 9 be made dependent on claim 8. Claim 8 is also indefinite because it does not end in a period and appears to be incomplete. Claim 10 is indefinite because it depends from an indefinite claim. Claim 14 is indefinite because of the period at the end of line 8, which is in the middle of the claim. It is suggested that it be deleted.

Double Patenting

Claim 14 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

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proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The differences between claim 12 and claim 14 consist of slight differences in wording and comprise the insertion of --first-- in several locations as shown in the marked-up copy submitted January 7, 2003 along with the inclusion of a period in line 8. These changes from claim 12 comprise only a slight difference in wording, leaving claim 14 as a substantial duplicate of allowed claim 12.

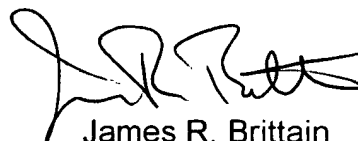
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J.R. Brittain', with a stylized flourish at the end.

James R. Brittain
Primary Examiner
Art Unit 3677

JRB
January 21, 2003